

REMARKS

Claims 1-24 are pending. Claims 14-24 have been withdrawn from consideration by the Examiner for reciting non-elected subject matter. By this Amendment, Claims 1 and 14 are amended. As support for the amendments is provided in the originally filed application, Applicant respectfully submits that no new matter is presented herein.

Entry of Response Proper

Entry of this Amendment is proper under 37 C.F.R. §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issues requiring further search and/or consideration on the part of the Examiner; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to objections raised in the Final Rejection. Entry of the Amendment is thus respectfully requested.

Rejoinder Requested

Applicant respectfully again maintains that Claims 1 and 14 recite a common patentable feature and respectfully request non-elected Claims 14-24 be rejoined into the instant application. Applicant notes that the Office Action asserts that the restriction requirement is proper and made final and that a complete reply to the Final Rejection must include cancellation of the non-elected claims or other appropriate action. Applicant will not cancel the non-elected claims in this Response as Applicant is

preserving the right to defer petitioning the Director for relief at a later time. See 37 C.F.R. §1.144.

Allowable Subject Matter

Applicant appreciates and acknowledges the indication by the Examiner that Claim 5, although objected to for being dependent upon a rejected base claim, would be allowable if amended to incorporate all of the features of the base claim and any intervening claims.

Claims 1-13 Recite Patentable Subject Matter

Claims 1-4, 6-10 and 12 aree rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,268,236 to Miyawaki. Claims 11 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyawaki in view of the Applicant Admitted Prior Art (AAPA). Applicant respectfully traverses both rejections for the following reasons.

Claim 1

Claim 1 recites a method of fabricating electronic parts comprising the steps of mounting electronic elements in regular cavities that are two-dimensionally arranged on a baseboard on which dummy cavities are provided so as to be located further out than an array of the regular cavities and surround the array of the regular cavities *wherein there are no dummy cavities located between any adjacent pair of regular cavities in the array*, and wherein no electronic elements are mounted in the dummy cavities; and covering a top of the baseboard with a resin sheet.

Applicants note that Figure 5 of Miyawaki illustrates multiple penetrating holes (dummy cavities) 5, that is, twelve (12), provided along the perimeter of each region/quadrant. Each region or quadrant is defined by a penetrating hole (dummy cavity) 5 at a corner that is joined to a neighboring corner by trenches 10A. In a center of each region or quadrant is a regular cavity 4 which is connected to the trenches 10A by trenches 10B. While the laterally and vertically adjacent regions or quadrants do not provide a penetrating hole (dummy cavity) 5 between the laterally and vertically adjacent regular cavities 4, 4, Applicant respectfully points out that the diagonally adjacent regions or quadrants clearly and unambiguously provide a penetrating hole (dummy cavity) 5 between the diagonally adjacent regular cavities 4, 4.

In view of the above, Applicant respectfully submits that Miyawaki does not disclose or suggest the structural arrangement wherein there are no dummy cavities located between any adjacent pair of regular cavities in the array, a feature that is recited by Claims 1 and 14.

The AAPA is applied merely for teaching that it is known to form SAW devices having dummy cavities that are at least 50 μm deep and electronic elements are SAW filter chips. Applicant respectfully submits the AAPA fails to cure or otherwise address the above-described deficiency of Miyawaki.

To qualify as prior art under 35 U.S.C. §102, a reference must teach, i.e., identically describe, each and every feature of a rejected claim. For the reasons discussed above, the Miyawaki does not disclose or suggest each and every feature recited by Claims 1 and 14.

Furthermore, to establish *prima facie* obviousness, each and every feature recited by a rejected claim must be taught or suggested by the applied art of record. For the reasons discussed above, Applicant respectfully submits that Miyawaki and the AAPA, alone or in any combination thereof, does not disclose, teach or otherwise suggest that which is recited by Claims 1 and 14.

Therefore, Applicant respectfully submits that Claims 1 and 14 are not anticipated by or rendered obvious in view of Miyawaki and the AAPA and should thus be deemed allowable.

Claims 2-13 depend from Claim 1. Claims 15-24 depend from Claim 14. It is respectfully submitted that these dependent claims be deemed allowable for at least the same reasons Claims 1 and 14 are allowable as well as for the additional subject matter recited therein.

Applicant respectfully requests withdrawal of both rejections.

Conclusion

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, rejoinder of Claims 14-24, allowance of Claims 1-24, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicant hereby petitions for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300, referring to **attorney docket number 025720-00023**.

Respectfully submitted,



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